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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	No. CR 09-00198 JW
)	
11 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING
12 vs.)	
)	
13 VIDAL LEON,)	
)	
14 Defendants.)	
)	

15
16 **STIPULATION**

17 The parties, by and through their respective counsel, hereby stipulate and agree that the
18 status hearing currently set for Monday, May 18, 2009 may be continued to Monday, June 22,
19 2009 at 1:30 p.m. The reason for the requested continuance is to permit the parties to finalize the
20 terms of the anticipated disposition.

21 The parties further stipulate and agree that 35 days may be excluded from the time within
22 which trial shall commence, as reasonable time necessary for effective preparation of counsel,
23 taking into account the exercise of due diligence, pursuant to Title 18, United States Code
24 Section 3161(h)(7)(A) and (h)(7)(B)(iv).
25
26

1 Dated: May 13, 2009

2 s/
3 CYNTHIA C. LIE
Assistant Federal Public Defender

4 Dated: May 13, 2009

5 s/
6 THOMAS M. O'CONNELL
Assistant United States Attorney

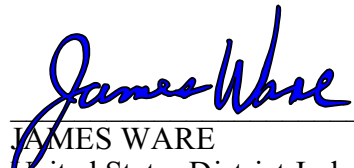
7 ~~PROPOSED~~ ORDER

8 Good cause appearing and by stipulation of the parties, it is hereby ordered that the status
9 hearing of Monday, May 18, 2009 shall be continued to Monday, June 22, 2009 at 1:30 p.m.

10 The Court further finds, based on the aforementioned reasons, that the ends of justice
11 served by granting the requested continuance outweigh the interest of the public and the
12 defendant in a speedy trial, in that the failure to grant the requested continuance would deny
13 defense counsel reasonable time necessary for effective preparation, taking into account the
14 exercise of due diligence, and would result in a miscarriage of justice. The Court therefore
15 concludes that 35 days should be excluded from the time within which trial shall commence
16 under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

17 It is so ordered.

18
19 Dated: May 14, 2009

20 
21 JAMES WARE
United States District Judge